

STATEMENT OF ROLAND J. MROSS
DEPUTY ADMINISTRATOR
URBAN MASS TRANSPORTATION ADMINISTRATION
BEFORE THE SUBCOMMITTEE ON HUMAN SERVICES
SELECT COMMITTEE ON AGING
UNITED STATES HOUSE OF REPRESENTATIVES
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Mr. Chairman, members of the Committee, my name is Roland J. Mross. I am the Deputy Administrator of the Urban Mass Transportation Administration (UMTA), an agency of the United States Department of Transportation. I am pleased to have this opportunity to appear before you today to present an overview of the activities of the agency with respect to federally funded transportation programs for the elderly and disabled. Appearing with me today from UMTA are Robert H. McManus, Associate Administrator for Grants Management, and Lawrence L. Schulman, Associate Administrator for Technical Assistance and Safety.

UMTA is the principal source of Federal financial assistance for public mass transportation. Since its beginning in the early 1960's, UMTA has provided \$59.6 billion in funding to public transit systems and service providers throughout the nation. Each year UMTA provides funds to about 450 urban mass transit systems using formula and discretionary grant programs. In addition, funding is provided to non-urbanized rural communities through UMTA programs administered by the States.

agencies are either elderly service organizations or disability service organizations. The elderly service organizations are the most dependent on the Section 16(b)(2) program, with about two-thirds depending upon the program as the sole source of their vehicles.

RURAL PROGRAM

The Section 18 rural program provides funding for public transportation in non-urbanized areas, much of which serves the elderly and handicapped. UMTA apportions Section 18 funds to the States according to a statutory formula based on each State's population in rural and small urban areas - those under 50,000 population. Like the Section 16(b)(2) program, the States administer the program in accordance with State Management Plans.

Eligible recipients include public bodies and private non-profit organizations. Participation by private for-profit enterprises under contract to an eligible recipient is encouraged. Section 18 financial assistance may be used for capital, operating, and administrative expenses. Coordination with other federally assisted transportation services, such as those funded by the Department of Health and Human Services, is also encouraged to the maximum extent feasible.

By statute, the Section 18 assistance is apportioned from 2.93 percent of UMTA's formula funding. Since FY 1987, Congress

has supplemented that base percentage by a take-down from the overall UMTA formula appropriation. This has been done in order to mitigate the effects of declining Federal funding, and has raised the actual percentage of formula funds available to non-urbanized areas to approximately four percent. Appropriations for Section 18 have remained steady during the last three years at about \$65 million annually.

There are approximately 1,161 Section 18 local providers nationally, operating over 10,000 vehicles. This is a 24 percent increase in providers since 1985. The most rapid growth has been in the north central region of the United States. Although transit coverage in rural areas nationally is difficult to determine, it is estimated that at least some Section 18 service is provided in 60 percent of the non-urbanized counties in the U.S.

INTERAGENCY INITIATIVES

UMTA is the lead agency in an interdepartmental working relationship between the Department of Transportation (DOT) and the Department of Health and Human Services (DHHS). Under the terms of the interagency agreement signed in 1986, a staff working group has been established, and a formal executive level DOT/DHHS Transportation Coordination Council has been formed. The Council, which meets biannually, has directed that regional initiatives be undertaken in each Federal region. Federal regional staff from

both Departments have worked with State program administrators to identify barriers to coordination in federally supported programs and to encourage State and local efforts to coordinate funding to specialized transportation services. The liaison between these two Departments will increase the mobility of elderly Americans by improving the coordination and effective use of transportation resources of both Departments.

Five goals of the agreement are:

- o To achieve the most cost-efficient use of Federal, State and local resources for specialized and human service transportation;
- o To encourage State and local governments to take a more active role in the management and coordination of programs supporting specialized and human service transportation;
- o To adopt administrative and management practices in the implementation of Federal programs which encourage coordination among service providers and increase access to specialized and human service transportation;
- o To share technical resources and information with recipients of Federal assistance and transportation providers; and

- o To encourage the most efficient system of providing service, including consideration of private sector providers and the use of competitive bidding.

As part of the efforts of the joint coordinating council, UMTA and DHHS developed a "Manual of Best Practices" in transportation coordination. This manual covers State and local programs which address a number of the barriers to coordination identified by the regional initiatives.

UMTA is also working closely with the Administration on Aging (AOA) to develop joint initiatives to ensure closer working relationships between State transportation agencies and agencies on aging. As a part of this effort, UMTA and AOA jointly funded workshops in Texas and Ohio aimed at developing better coordination of policies and programs at the State level. The workshops identified a number of barriers in these States, and developed action plans to deal with them.

AMERICANS WITH DISABILITIES ACT

Since 1977, DOT has issued a series of regulations to implement Section 504 of the Rehabilitation Act of 1973, Section 16 of the UMT Act, and related statutes dealing with mass transit services for persons with disabilities. At that time, federally funded transit authorities were required by regulation to make "special efforts" to provide transportation services to persons

with disabilities. In 1979, the Department replaced the 1977 rule with one which required the purchase of accessible buses and the retrofit of rail mass transit systems for accessibility, but the courts found that the 1979 rule exceeded the Department's authority by imposing an undue financial burden on public transit authorities. Then, in 1981, the Department published an interim rule that, in effect, revived the 1977 "special efforts" approach.

Congress responded to concerns that service would become inadequate by adding a new Section 16(d) to the UMT Act in 1983. The new section required the Department to issue a new rule containing minimum service criteria for service to disabled passengers. The Department's new rule, issued in 1986, contained six service criteria and a 3 percent "cost cap" to limit the cost impact on UMTA recipients. However, the courts found the 3 percent cost cap to be arbitrary, and directed the Department to issue a new rule consistent with its opinion.

In March of 1990, the Department published a proposed rule that eliminated the cost cap but also included many accessibility features included in the Americans with Disabilities Act (ADA) as it had passed the Senate. Then, on July 26, 1990, President Bush signed the ADA into law. It is now the law of the land that the largest minority in the country - those individuals with disabilities - may not be excluded from full participation in the American way of life.

A final rule amending the existing Section 504 rule as well as a new final rule implementing portions of the ADA were published on October 4, 1990. This latter rule, which is intended to implement portions of the transportation and related provisions of the ADA, provides that all vehicles acquired after August 25, 1990, must be accessible. However, unlike the 504 rule, the ADA rule, pursuant to the ADA law, applies to all public and private entities that provide transportation service whether or not they receive Federal financial assistance.

In addition, next summer when a final ADA regulation is issued, UMTA grantees will be significantly impacted as they comply with the ADA "complementary" paratransit requirements. Under the current 504 rule, transit authorities had the option of providing either accessible fixed-route service or paratransit service, but the ADA will require that every transit agency provide both. That is, public entities that provide fixed-route service must provide complementary paratransit services for those individuals with disabilities who cannot use the accessible fixed-route service. This complementary service must be comparable to the level of service provided to individuals without disabilities. The only limitation in the law is that these complementary services should not place an "undue financial burden on the public operator."

Within the next couple of months, and prior to the issuance next summer of a final rule, DOT will be issuing a proposed rule

on this issue, as well as other ADA issues such as accessibility for rail systems, and we are committed to maximizing comment on this rulemaking from members of both the disabled community and the transit industry. In fact, we are now meeting with affected groups under the Federal Advisory Committee Act, and we will carefully consider their views.

REAUTHORIZATION

Although our legislative reauthorization proposal has not yet been released, I can tell the subcommittee that UMTA's reauthorization legislation cannot be discussed without reference to the National Transportation Policy (NTP). The NTP is the framework that shapes our reauthorization legislation, and it will strongly influence virtually all of UMTA's policies and efforts in the years to come.

Based on concepts put forth in the NTP - ideas such as intermodalism, greater productivity, user fees, and increased private sector participation - reauthorization will seek to enhance the stability and increase the flexibility of the current assistance program. The NTP also specifically addresses the need to extend access and mobility to all Americans: "The benefits of transportation must be available to all Americans, including economically and socially disadvantaged, minority, young and old, and disabled citizens." Currently, with over 40 million Americans disabled, and the number of citizens over 65 years of age slated

to increase sharply within the next few decades, it is clear that we must move aggressively to meet our responsibility of providing transportation that is accessible.

Let me finish by quoting at length from the NTP:

It is Federal transportation policy to:

- o Promote greater access by working with transportation providers and representatives of disabled individuals and other transportation disadvantaged citizens to identify transportation facilities where access improvements are necessary, and assist in developing effective designs and implementation schedules for meeting those needs.
- o Assist public transportation agencies in preparing plans and standards for acquiring vehicles accessible to disabled passengers, to meet requirements in a timely and cost-effective manner.
- o Develop criteria and review procedures for enforcing conformance with Federal accessibility requirements.

Mr. Chairman, this concludes my prepared statement. We would be pleased to answer any questions you may have.